

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLY SANCHEZ,

Petitioner,

-against-

WARDEN AT F.C.I. HAZELTON,

Respondent.

24-CV-1251 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

By letter dated January 22, 2024, Petitioner asserted that, with respect to his conviction in *United States v. Sanchez*, ECF 1:19-CR-0360, 123 (S.D.N.Y. Feb. 16, 2024), he is entitled to relief pursuant to Amendment 821. (ECF No.1 at 2.) Petitioner also asserted that he is entitled to relief pursuant to “Amendment 817 safety valve provision by amending 5C1.2 under the First Step Act (FSA).”¹ (*Id.*) Petitioner requested that the court “assign this case to the public defend[sic] office for reviewer and legal assistance.” (*Id.*)

By order dated February 16, 2024, the Honorable Kimba M. Wood, of this court, construed Petitioner’s letter, filed in *United States v. Sanchez*, ECF 1:19-CR-0360, 123 (S.D.N.Y. filed Jan. 29, 2024), as a motion for reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2). See *United States v. Sanchez*, ECF 1:19-CR-0360, 123 (S.D.N.Y. Feb. 16, 2024). Judge Wood found Petitioner ineligible for a reduction in his sentence pursuant to 18 U.S.C. § 3582(c)(2), denied Petitioner’s request for counsel, and to the extent that Petitioner sought relief pursuant to the FSA, directed the Clerk of Court to open Petitioner’s letter as a new civil action pursuant to

¹ Plaintiff writes using irregular capitalization. For readability, the Court uses standard capitalization when quoting from the complaint. All other spelling, grammar, and punctuation are as in the original unless otherwise indicated.

28 U.S.C. § 2241. *Id.* The Clerk of Court opened the letter as a new civil action, as directed by Judge Wood, and assigned the above referenced docket number to this action.

By order dated February 21, 2024, the Court directed Petitioner, within 30 days, to (1) either pay the \$5.00 fee or, to proceed without prepayment of the filing fee, submit an application to proceed *in forma pauperis* (“IFP”); and (2) complete and sign a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. (ECF No. 2.)

In response to the Court’s order, Petitioner filed a “motion for complete definite statement.” (ECF No. 3.) In his motion, Petitioner requested that the Court “be more specific, ordering petitioner, to file a (2241) and on which grounds under the [FSA] the petitioner qualified for the relief.” (*Id.*)

In response to Petitioner’s “motion for a complete definite statement,” by order dated May 1, 2024, the Court provided information as to who is eligible to seek relief under the FSA but made no determination as to Petitioner’s eligibility. (ECF No. 4.) The Court also noted that it is not permitted to advise Petitioner as to the grounds he should raise in any petition he seeks to file. (*Id.* at 3.) The Court directed Petitioner, if he wished to pursue relief under the FSA, to (1) pay the \$5.00 fee or submit the attached IFP application; and (2) complete and sign a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and return it to the court’s Pro Se Intake Unit within 30 days. The Court advised Petitioner that failure to comply with the Court’s May 1, 2021 order would result in the dismissal of this action without prejudice.

Because Petitioner has not complied with the Court’s May 1, 2024 order, the Court dismisses the petition without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

CONCLUSION

The Court dismisses the petition without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment.

SO ORDERED.

Dated: July 1, 2024
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge